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NETWORK APPLIANCE, INC.,

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.

Plaintiff-Counterclaim Defendant,

v.

SUN MICROSYSTEMS, INC.

Defendant-Counterclaim Plaintiff.

Case No. 3:07-CV-06053-EDL

**SUPPLEMENTAL JOINT CASE
MANAGEMENT STATEMENT RE:
ENTRY OF A PROTECTIVE ORDER**

1 Network Appliance, Inc. ("NetApp") and Sun Microsystems, Inc. ("Sun") jointly submit
2 this Supplemental Case Management Statement Regarding Entry of a Protective Order.

3 As noted in the Joint Case Management Statement, the parties have been negotiating the
4 terms of an amended protective order to replace the form protective order entered by the Eastern
5 District of Texas. The parties have largely agreed on a proposed protective order, but dispute two
6 points:

- 7
- 8 • The method and location for production of source code. (Paragraph 11)
 - 9 • The terms of a prosecution bar preventing Attorneys Eyes Only and AEO – Source
 - 10 Code information from being used in proceedings before the U.S. Patent and
 - 11 Trademark Office. (Paragraph 13)

12 A copy of the proposed protective order is attached as Exhibit A. For the Court's
13 convenience, each party's proposed language for the disputed portions of Paragraphs 11 and 13 is
14 set forth in full.

15 The parties respectfully request that the Court resolve these disputes during the Case
16 Management Conference.

17 Dated: January 28, 2008

/s/ Jeffrey G. Homrig

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